

REISSUE PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Reissue Patent Application of : Previous Group Art Unit: 2753
Takumi Ota et al. :
U.S. Patent No. 6,081,491 :

Serial. No.: Not yet assigned : Previous Examiner: P. Huber

Filed: Herewith :

For: OPTICAL DISK VIBRATION : Attorney Docket
SENSING AND REPRODUCING : No. 9399-4RE
DEVICE :

DECLARATION OF TAKUMI KODANI ET AL.
UNDER 37 C.F.R. § 1.175(a)

Each of Takumi Ota, Akihiro Kishishita, Kiyoshi Kodani and Masayuki Hayashida hereby individually declares and states as follows:

1. I believe that I am an original, first and joint inventor of the subject matter which is claimed in U.S. Letters Patent Number 6,081,491 (the '491 patent), granted June 27, 2000, and for which I solicit a reissue patent, an application for which is attached.
 2. I hereby state that I have reviewed and understand the contents of the '491 patent, including the claims, as amended by the Preliminary Amendment filed herewith.
 3. I acknowledge the duty to disclose to the Office all information which is known to me to be material to patentability in accordance with Title 37, Code of Federal Regulations, Section 1.56.
 4. I verily believe the '491 patent to be wholly or partially inoperative or invalid, by reason of my claiming more than I had the right to claim in the patent. At least one error in the claims is specified below.
 5. One error in the claims arose in claim 1 by not including a limitation for controlling the rotational velocity of the disk to be a predetermined velocity to read data from a table of contents (TOC) area of the disk and thereafter determining a limit rotational velocity of the disk.
 6. Support for the amendment to claim 1 resides in the description of the '491 patent at col. 2, lines 42-63, col. 4, lines 13-14 (control of rotational velocity), and col. 2, lines 1-9 and col. 4, lines 3-5 .

7. All errors sought to be corrected in this reissue application up to the time of filing this declaration arose without any deceptive intention on my part.

8. I hereby claim the right of foreign priority under 35 U.S.C. § 119 for the '491 patent. The claim of foreign priority is based upon Japanese Patent application No. 8-121797 filed May 16, 1996 and Japanese Patent Application No. 8-228571, filed August 29, 1996.

9. I hereby appoint the registered attorneys and agents associated with Akin, Gump, Strauss, Hauer & Feld, L.L.P., Customer No. 000570, as my attorneys or agents with full power of substitution and revocation, to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith.

10. Address all correspondence to **Customer No. 000570, namely, Akin, Gump, Strauss, Hauer & Feld, L.L.P.**, One Commerce Square, 2005 Market Street, Suite 2200, Philadelphia, Pennsylvania 19103-7086. Please direct all communications and telephone calls to **Louis Sickles II** at (215) 965-1294.

I HEREBY DECLARE that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: January 9, 2004 Takumi Ota
Takumi Ota

Date: January 9, 2004 Akihiro Kishishita
Akihiro Kishishita

Date: January 9, 2004 Kiyoshi Kodani
Kiyoshi Kodani

Date: January 9, 2004 Masayuki Hayashida
Masayuki Hayashida

EXPRESS MAIL LABEL NO. EL 960413278 US

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RIGHT OF ASSIGNEE TO TAKE ACTION (37 C.F.R. 3.73(b)),
CONSENT OF ASSIGNEE AND OFFER TO SURRENDER (37 C.F.R. 1.178(a))

The undersigned makes this statement as part of the accompanying reissue application for the reissue of letters patent for a "Optical Disk Vibration Sensing And Reproducing", U.S. Patent No. 6,081,491, granted on June 27, 2000, to Takumi Ota et al., and declares that:

1. Sanyo Electric Co. Ltd and Tottori Sanyo Electric Co. Ltd. are now the owners by an assignment of the entire right, title and interest in said letters patent;
 2. that Sanyo Electric Co. Ltd and Tottori Sanyo Electric Co. Ltd. hereby offer to surrender said letters patent;
 3. that he is authorized to act and has the authority to sign this document on behalf of the assignee;
 4. that the evidentiary documents relating to the assignment of the above application have been reviewed, and he certifies that, to the best of assignee's knowledge and belief, title to the above patent is in assignee by virtue of an assignment recorded in the U.S. Patent and Trademark Office on August 8, 1997 at reel 8642 frame 0557;
 5. that the assignee of the entire right, title and interest in the above-mentioned letters patent, hereby consents to the accompanying application; and

6. that said patent is not and has not been involved in any prior or current proceedings such as interferences, reissues, reexaminations or litigations.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Sanyo Electric Co. Ltd and
Tottori Sanyo Electric Co. Ltd.

January 9, 2004

(Date)

By:



Name: Akiyoshi Yamamoto
Title: Manager
Intellectual Property Section

LS/lcd